

REMARKS

Claims 1 through 52 are pending in this Application. Claims 3, 4, 8-18, 23, 24, and 27-52 are withdrawn.

Claims 1, 2, 5-7, 19-21, and 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Housh et al., ASM Metals Handbook, vol. 2, 10th ed., AZ80A alloy (hereinafter Housh). The Office Action asserts that Housh discloses the features including a magnesium (Mg) based tube including its composition, tensile properties, and elongations.

Turning to the cited reference, Housh describes forged material and extruded material, such as, a bar, rod, and their shapes. Housh is *silent* regarding a Mg based alloy pipe produced by **drawing** a pipe blank of Mg base alloy.

As discussed in the background section of the instant specification, the Mg base alloy pipes obtained by hot-extruding have low strength compared to Aluminum alloy pipes. For example, the extruded pipe of comparative example 1-1 has a tensile strength of 245 MPa (*see, e.g.*, pg. 1, lines 24-47; pg. 17, lines 1-5; and Table 1). The inventive examples of drawn pipes of AZ31 have a tensile strength ranging from 303-395 MPa. Thereby, as taught in the instant specification, the drawn pipe has improved strength compared to extruded pipes of the same material (*see, e.g.*, Table 1). However, Housh does not disclose or suggest this, and apparently is unaware of the unexpected improvement in strength of the claimed Mg base alloy pipe produced by drawing.

Housh fails to disclose or suggest, at a minimum, "...a magnesium base alloy pipe characterized in that the pipe is produced by **drawing** a pipe blank of a magnesium base alloy," as recited in claim 1.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Housh, in view of Becker et al. (hereinafter Becker).

The Office Action acknowledges that Housh does not disclose the feature of a cross-section shape of a pipe. The Office Action relies on Becker in an attempt to cure the deficiencies of Housh. The Office Action asserts that Becker discloses pipes in different shapes in the same field of endeavor or the analogous metallurgical art.

Becker discusses a Mg based alloy that is extruded or forged having a composition of ZK60 with a tensile strength of 315 MPa.

The Mg based alloy pipe produced by **drawing** that is used in the present application affects the physical properties of the pipe. In Table 3 of Becker, the tensile strength of ZK60 in an extruded pipe is 310 MPa (*see also*, comparative examples 1-1 and 1-7 of the present application). However in contrast, the tensile strength for drawn pipes of ZK60 ranges from 337 to 458 MPa in the present application (*see, e.g.*, Table 8). Table 1 of the present application also demonstrates that the extruded pipes of AZ31 and AZ61 are stronger than the drawn pipes of AZ31 and AZ61 in Becker. Becker fails to disclose or suggest, at a minimum, "...a magnesium base alloy pipe characterized in that the pipe is produced by **drawing** a pipe blank of a magnesium base alloy," as recited in claim 1.

Thus, Becker does not cure the deficiencies of Housh.

Withdrawal of the foregoing rejections is respectfully requested.

Information Disclosure Statement

The Information Disclosure Statement (IDS) filed September 3, 2004 purportedly fails to comply with 37 C.F.R. 1.98(a)(3) because it does not include a concise explanation of the

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relevance, as it is presently understood by the individual designated in 37 C.F.R. 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language.

An IDS is being filed concurrently with this Response including an explanation of JP 33-11136 in order to comply with 37 C.F.R. 1.56(c). U.S. Patent No. 4,250,727 that was submitted in the IDS of September 3, 2004 and considered by the Examiner on October 9, 2007 is an English language publication in the family of JP 54-47859. Consideration of JP 33-11136 and JP 54-47859 is respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: January 8, 2008